

STAND. COM. REP. NO. **1002**

Honolulu, Hawaii

MAR 24 2015

RE: S.C.R. No. 18
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.C.R. No. 18 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO
CONVENE A WORKING GROUP TO EXAMINE HAWAII'S ENHANCED
SENTENCING AND EXTENDED SENTENCING LAWS,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Judiciary to convene a working group to examine Hawaii's enhanced
sentencing and extended sentencing laws and submit a report of the
working group's findings and recommendations to the Legislature
prior to the convening of the Regular Session of 2016.

Your Committee received testimony in support of this measure
from the Community Alliance on Prisons and one individual. Your
Committee received comments on this measure from the Judiciary.

Your Committee finds that Hawaii's enhanced sentencing law
authorizes the court to sentence a person convicted of second
degree murder to life imprisonment without the possibility of
parole under certain circumstances, including the court's finding
that the murder was especially heinous, atrocious, or cruel. Your
Committee also finds that Hawaii's extended sentencing law seeks
to address those situations involving convicted defendants whose
records and situations suggest a need for extended incarceration
to protect the public. Under sections 706-661 and 706-662, Hawaii
Revised Statutes, the court may sentence a person to an extended
term of imprisonment if certain criteria are met. This measure



convenes a working group to examine the number of cases within the last ten years in which the prosecutor or court sought enhanced sentencing and enhanced sentencing was granted and in which the prosecutor or court sought extended sentencing, review the criteria for extended terms of imprisonment, and determine whether further statutory clarity is necessary to ensure that the State's extended sentencing laws are effective.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 18, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 18, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SCR 18</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/18/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div><input type="checkbox"/> Pass, unamended <small>2312</small></div> <div><input checked="" type="checkbox"/> Pass, with amendments <small>2311</small></div> <div><input type="checkbox"/> Hold <small>2310</small></div> <div><input type="checkbox"/> Recommit <small>2313</small></div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.				✓
SLOM, Sam	✓			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 100px;">[Signature]</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes